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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,520	07/20/2000	Dorothy B. Franks	GEMS:0091	2920
7590	11/09/2004		EXAMINER	
Patrick S Yoder Suite 330 7915 FM 1960 West Houston, TX 77070			SOTOMAYOR, JOHN	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/620,520	FRANKS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John L Sotomayor	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 July 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the amendment filed July 6, 2004, claims 1-28 are pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Babula et al (US 6,381,557).

Regarding claim 1, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility comprising collecting identification and operation data associated with a plurality of biomedical equipment components (Col 4, lines 37-42 and lines 60-65, Col 5, lines 1-7), storing the collected data in a central database (Col 7, lines 1-10), analyzing the operation data to identify at least one operational parameter affected by operator activities with the equipment components (Col 18, lines 30-35), and identifying a training need based on the analyzed operational parameter (Col 18, lines 45-50).

Regarding claims 2 & 3, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein an operational parameter includes operational errors and failures for a type of equipment component (Col 5, lines 3-7).

Regarding claim 4, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein the data includes equipment type (Col 4, lines 48-65) and the training need is identified by analyzing the operational parameter for a plurality of equipment components of the equipment type (Col 18, lines 35-54).

Regarding claim 5-7, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein the data is representative of individual operators utilizing the equipment components (claim 5), representative of the department to which the components are assigned (claim 6), or representative of the facility site at which the equipment components are located (claim 7) (claim 6, lines 8-51).

Regarding claim 8, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein a report of identified training needs may be generated by the system (Col 19, lines 10-16).

Regarding claim 9, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein reports are generated at a site remote from the medical institution and transmitted to the medical facility by a configurable network link (Col 19, lines 20-45).

Regarding claim 10, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein the network link includes the Internet (Col 6, lines 42-50).

Regarding claim 11-13 and 24-25, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein databases populated at a service monitoring location includes associating stored data into logical groups by equipment type (claims 11 & 24), associating stored data into logical groups by equipment location (claims 12 & 25) and associating stored data into groups by equipment manufacturer (claim 13) and identifying training needs based on the data for each type of group (Col 18, lines 30-54).

Regarding claim 14, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein a central database is configured to store data representative of equipment components including component failure and degradation to include downtime (Col 18, lines 36-54).

Regarding claim 15, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein a central database is configured to store data representative of equipment components, including operation data and identification data for equipment type (Col 7, lines 1-40), a data analysis module configured to arrange the operation data into logical grouping and to analyze the operation based on the logical groupings (Col 11, lines 4-25), a report generator is configured to generate a report including an arrangement of the analyzed operation data based on the logical groupings with a training need is identified based on the arrangement (Col 19, lines 5-45).

Regarding claim 16, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein operation data includes breakdowns associated with a particular equipment type (Col 4, lines 33-47).

Regarding claims 17 and 27, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein the operation data includes operator errors associated with a particular equipment type (Col 8, lines 35-55).

Regarding claim 18, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein the operation data includes a first presentation of the operation data for a particular medical facility and a second presentation of the operation data for a plurality of medical facilities (Col 7, line 64 – Col 8, line 21).

Regarding claims 19 and 26, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein the medical facilities are at geographically diverse locations (Col 4, lines 35-59).

Regarding claim 20, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein a user interface is configured to provide access to generated reports (Col 6, lines 1-7 and Col 19, lines 46-54).

Regarding claim 21, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein a report is generated at a location remote from the medical institution and is transmitted to the medical institution via a communication network (Col 19, lines 46-66).

Regarding claim 22, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility wherein the communication network includes the Internet (Col 6, lines 36-51).

Regarding claims 23 and 28, Babula et al discloses a system and method for identifying training needs for biomedical equipment in a medical facility comprising storing data associated

with the equipment in a central database including equipment operation and identification data (Col 7, lines 1-10), logically grouping the stored equipment operation data in accordance with corresponding equipment identification data (Col 7, lines 8-10), analyzing the operation data to identify at least one operational parameter affected by operator activities with the equipment components (Col 18, lines 30-35), generating a presentation of the analyzed equipment operaton data in accordance with the logical grouping (Col 7, lines 12-35), and identifying a training need based on the analyzed operational parameter (Col 18, lines 45-50).

***Response to Arguments***

Applicant's arguments filed July 6, 2004 have been fully considered but they are not persuasive. Applicant's representative presents the argument that the cited prior art does not inherently teach identifying a training need based upon an analyzed operational parameter. The Examiner would like to point out that the cited reference, Babula et al (US 6,381,557) recites a service center charged with the maintenance and support of biomedical equipment in a plurality of medical facilities. In Col 18, lines 36-54, Babula et al recites the accumulation and review of operational parameters for all service units in the field. Service center personnel are charged with predicting "possible future service needs", including such needs for "new and updated routines" for equipment operation. The staff is then responsible for formulating schedules for training and transmitting such information to a diagnostic system. It is an inherent function of predicting future service needs for new routines and equipment, which do not have a history of training or service requests to be accessed, to develop training needs for service center staff based upon analyzed operation parameters that are collected by the service center in order to

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provide for the proper functioning and maintenance of remotely located equipment. Therefore, applicant's argument is unpersuasive and the rejection is maintained.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dreste et al (US 5,388,252) for a discussion of remote diagnostics for technical support personnel and training required therefore.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558. The examiner can normally be reached on 6:30-4:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jls

November 2, 2004



DERRIS M. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700